

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION (ST) NO. 1387 OF 2020

Sagar A Chavan ...Petitioner

Versus

State of Maharashtra & ors. ...Respondents

Ms. Neha Sonawane, i/b Vishnu Sonawane, for the Petitioner.
Mr. F. R. Shaikh, APP for the State/Respondent no.1.
Mrs. Dhanashree Chavan - Respondent no.3, present.

**CORAM: SMT SADHANA S. JADHAV &
N. J. JAMADAR, JJ.**

DATED : 13th AUGUST, 2020

PC:-

1. This is a petition for Writ of Habeas Corpus to produce the petitioner's 3 year old daughter Riana, who was residing with the petitioner's wife Dhanashri S. Chavan, Respondent no.3, who had allegedly gone missing.

2. Since it was alleged that the Riana is a special child and needs occupational therapy, by order dated 10th August, 2020, we had directed the learned APP to ensure that respondent no.3 appears before this Court alongwith Riana.

3. Respondent no.3 has appeared today alongwith baby Riana. Respondent no.3 submits that she had appeared

before the Nerul Police and given a statement that she has been residing alongwith Riana at Dombivali, on her own. Since respondent no.3 has produced the child Riana before the Court, the petition has served its purpose.

4. The learned Counsel for the petitioner submitted that the petitioner is genuinely concerned about the welfare and especially the treatment of the child Riana. The petitioner is ready to bear the expenses of her medical treatment. The petitioner be permitted to see Riana at a convenient time and place.

5. Respondent no.3, in turn, submitted that she is not averse to the petitioner meeting Riana. However she was constrained to walk out of the matrimonial home on account of unfavourable circumstances.

6. From the perusal of the petition we have noticed that the child Riana was examined by the Medical Officer at Om Paediatric Rehab, on 24th January, 2020, and she was, *inter alia*, advised occupational therapy and speech therapy. Respondent no.3 has left the matrimonial home on 28th January, 2020.

7. In the aforesaid backdrop, we direct respondent no.3 to provide necessary treatment to Riana. The expenses of the treatment shall be borne by the petitioner.

8. Respondent no.3 further informed that the petitioner and respondent no.3 are still on taking terms and have exchanged e-mails and audio communications.

9. In this view of the matter, we hope and trust that the petitioner and respondent no.3 would take necessary steps to ensure that child Riana gets the love and support of both the parents. In the light of the nature of the instant proceedings, we do not think it appropriate to add anything more.

10. The petition stands disposed of.

[N. J. JAMADAR, J.]

[SMT SADHANA S. JADHAV, J.]